REMARKS

Claims 1, 17, 33 and 34 have been amended to clarify the relationship between the uplink and the downlink channel used by the terminal, and an uplink channel and a downlink channel used by another terminal. In particular, these claims now recite: "the uplink channel lying adjacent, in frequency, to an uplink channel used by another terminal and the downlink channel not lying adjacent, in frequency, to a downlink channel used by the other terminal". This is best illustrated in Figure 6 of the present application. The terminal uses uplink channel (U/L) 10 and downlink channel (D/L) 25. Another terminal uses the uplink channel U/L 30 and the downlink channel D/L 40. It can be seen that the uplink channel U/L 10 used by the terminal lies adjacent to the uplink channel 30 used by the other terminal, but that the downlink channel D/L 25 used by the terminal does not lie adjacent to the downlink channel 40 used by the other terminal. It is this relationship of channels which gives rise to the problem addressed by the present invention. One situation in which this relationship of channels can arise is where the uplink and downlink channels used by each terminal are not paired by a consistent frequency offset.

Applicant takes note of Examiner's comments regarding the use of the term "terminal". However, respectfully, no amendment is considered necessary. In wireless communications systems, base stations can serve mobile stations or fixed stations. The term "terminal" is regularly used, in the art, to cover both mobile and fixed types of station served by a base station and so it would be unduly restrictive to limit the claims just to a "mobile station" as suggested by the Examiner. In addition, this point becomes moot as claims 1, 17, 33 and 34 have other differences with respect to the Kumar reference, irrespective of what definition the term "terminal" is given.

Claim Rejections – 35 USC § 103

Examiner rejects claims 1, 2, 8-18, 24-34 under 35 U.S.C. 103(a) as being unpatentable over Kumar et al. (US 6,434,367) in view of Nakano et al. (US 6,741,837). Respectfully, this rejection is traversed in view of the following remarks.

Kumar fails to teach a method or system with "the uplink channel lying adjacent, in frequency, to an uplink channel used by another terminal and the downlink channel not lying adjacent, in frequency, to a downlink channel used by the other terminal".

The other deficiencies of Kumar were outlined in the previous response and are acknowledged by the Examiner in this latest Action. Kumar teaches a method of power control, performed by a base station. Kumar also lacks the features of "determining which downlink channel is associated with the adjacent uplink channel" and of "monitoring that downlink channel" recited in each of claims 1, 17, 3 and 34.

Newly-cited Nakano describes a way of operating two wireless communications systems which lie geographically adjacent to each other, and which use adjacent frequency channels. Nakano teaches various ways of causing a mobile station of one system to stop using a channel which lies adjacent a channel used by a second system. In embodiments 1-4 of Nakano, a base station of the second system transmits interference on an adjacent downlink channel, which forces a mobile station of the first system to avoid using the adjacent frequency channel when the mobile is close to the second system. The interference is either transmitted continuously (embodiments 1 and 2, col.5 line 65 – col.8 line 21) or intermittently (embodiment 3, col.8 lines 23-67). In embodiments 5-6 of Nakano, a mobile station determines whether it's uplink transmission will cause interference to a base station operating on an adjacent frequency (col.9 lines 50-53).

Nakano only considers a situation in which the uplink channel used by the terminal lies adjacent the uplink channel used by another terminal, and where the downlink channel used by the terminal lies adjacent the downlink channel used by the other terminal, as shown in Fig. 5. Nakano fails to teach a method or system with "the uplink channel lying adjacent, in frequency, to an uplink channel used by another terminal and the downlink channel not lying adjacent, in frequency, to a

downlink channel used by the other terminal" as now required by claims 1, 17, 33 and 34. Also, Nakano has no need to perform the step of "determining which downlink channel is associated with the adjacent uplink channel" due to the strict channel relationship described by Nakano. Referring to Figure 5 of Nakano, the uplink channel to base station 412 always lies adjacent to the uplink channel to base station 422 and the downlink channel from base station 412 always lies adjacent the downlink channel from base station 422. Consequently, the terminal of Nakano simply has to monitor the adjacent channel on every occasion.

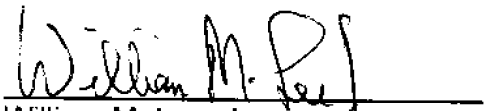
It has been reasoned above how each of Kumar and Nakano fails to teach a method or system with "the uplink channel lying adjacent, in frequency, to an uplink channel used by another terminal and the downlink channel not lying adjacent, in frequency, to a downlink channel used by the other terminal". Consequently, a combination of these references fails to teach all of the limitations now recited in amended claims 1, 17, 33 and 34 and so, even if one of ordinary skill in the art were motivated to combine these references (which is denied), they would not arrive at the subject matter of amended claims 1, 17, 33 and 34.

Rejected dependent claims are considered allowable at least by virtue of being dependent on one of claims 1, 17, 33 and 34.

In view of the fact that all of the Examiner's comments have been addressed, further and favorable reconsideration is respectfully requested.

August 20, 2007

Respectfully submitted,



William M. Lee, Jr.
Registration No. 26,935
Barnes & Thornburg LLP
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 214-4800
(312) 759-5646 (fax)